

REMARKS

Claims 1-7, 9-15, 18-34, 55, 62-73 and 75-92 were previously pending in this application. By this amendment, claims 1, 13, 18, 62 and 79 have been amended. As a result claims 1-7, 9-15, 18-34, 55, 62-73 and 75-92 are pending for examination with claims 1, 13, 18, 62 and 79 being independent claims. No new matter has been added. Support for these amendments can be found in the originally-filed claims, specification and drawings, for example in Figures 5-7 and the associated description at page 5 lines 11-30.

Rejections Under 35 U.S.C. §102

The Office Action rejected claims 1-3, 5, 7, 9-15, 18-20, 22, 24-27, 30, 32-34, 55, 62-64, 66, 68-73, 75-76, 79-80, 85-86 and 89-92 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,850,996 to Liang (hereinafter Liang). The rejection includes the rejection of independent claims 1, 13, 18, 62 and 79. Applicants respectfully assert that claims 1, 13, 18, 62 and 79 as amended herein are not anticipated by Liang.

As amended herein, claim 1 recites, in part, a latch configured such that the fastening element can be removed from the housing only by withdrawing the fastener out the opening over the portion of the latch and only when a force is applied to the surface proximate the opening to flex the latch.

Liang describes a mobile telephone hanging device including an elongated movable plate for stopping a hanging rod of a hanging plate in the engaged position, and two push rods controlled to release the elongate moveable plate from the hanging rod of the hanging plate to permit the hanging plate to be disconnected from the base plate. (Abstract). The hanging plate 4 can be conveniently disconnected from the base plate 1 by pushing the push rods 3 inwards to pull extension strips 141 downwards. (Col. 2, lines 35-45.) When the extension strips 141 are pulled downwards by the push rods 3, the elongated movable plate 14 is turned backwards toward the opening 15, and the arched rib 16 is returned to its former shape to push the rounded hanging rod 42 upwards, causing the rounded hanging rod 42 to disengage from the elongated movable plate 14, and therefore the hanging plate 4 can be conveniently removed from the base plate 1. Id.

The Office Action, on page 8, states that “Liang clearly states that by pushing the surface defined by the rods proximate the opening 181 in the housing the hanging rod is pushed upwards

causing the hanging rod to disengage. Therefore, the latch is configured such that the fastening element 42 can only be removed from the housing when a force such as the pushing applied to the rods 3 proximate the opening 181 to flex the movable plate/latch downwards.”

Applicant respectfully asserts that Liang does not describe a latch configured such that the fastening element can be removed from the housing only by withdrawing the fastener out the opening over the portion of the latch and only when a force is applied to the surface proximate the opening to flex the latch, at least, for the following reasons. First, the hanging rod 42 is not disengaged from the base plate 1 by withdrawing the hanging rod 42 “out the opening” 181. Further, the hanging rod 42 is also not disengaged when “a force is applied to the surface proximate the opening to flex the latch” as recited in claim 1 because the surface provided by the push rods 3 is not proximate the opening by which the hanging rod 42 is disengaged from the movable plate 14. Applicant notes that the opening 15 is centrally located about a longitudinal axis of the base plate 1 while the exposed region of the push rods 3 laterally extend beyond the outer edges of the base plate. Applicant respectfully asserts that the arrangement taught by Liang does not locate the exposed portion of the push rods 3 proximate the opening as the term “proximate” would be understood by one of ordinary skill in the art.

Thus, independent claim 1 is allowable because it is not anticipated by Liang. Each of claims 2-3, 5, 7, 9-12, 55 and 89 directly or indirectly depend from claim 1 and are patentable at least for the same reasons.

As amended herein, claim 13 recites, in part, a latch configured such that the fastening element can be removed from the housing only by withdrawing the fastener out the opening and only when a force is applied to the surface proximate the opening to flex the latch.

Applicant respectfully asserts that Liang does not describe a latch configured such that the fastening element can be removed from the housing only by withdrawing the fastener out the opening and only when a force is applied to the surface proximate the opening to flex the latch, at least, for the following reasons. As described above, the hanging rod 42 is not disengaged from the base plate 1 by withdrawing the hanging rod 42 “out the opening” 181. Also, the hanging rod 42 is not disengaged when “a force is applied to the surface proximate the opening to flex the latch” as recited in claim 13. Thus, independent claim 13 is allowable because it is not anticipated by Liang. Each of claims 14-15, 30, 32-34, 75-76 and 90-91 directly or indirectly depend from claim 13 and are patentable at least for the same reasons.

As amended herein, claim 18 recites, in part, a first portion located adjacent an opening in the housing by which the fastening element is inserted into and removed from the housing, respectively, and wherein the latch is configured such that the fastening element can be removed from the housing only via the opening and only when a force is applied to the first portion to flex the latch.

Applicant respectfully asserts that Liang does not describe a first portion located adjacent an opening in the housing by which the fastening element is inserted into and removed from the housing, respectively, and wherein the latch is configured such that the fastening element can be removed from the housing only via the opening and only when a force is applied to the first portion to flex the latch, in particular, “where the first portion is located adjacent the opening,” as recited in claim 18. As stated above, the hanging rod 42 is not disengaged from the base plate 1 by removing the hanging rod 42 “out the opening” 181. In addition, the hanging rod 42 is also not disengaged when “a force is applied to the first portion to flex the latch” as recited in claim 18 because the surface provided by the push rods 3 is not adjacent the opening by which the hanging rod 42 is disengaged from the movable plate 14. Applicant notes that the opening 15 is centrally located about a longitudinal axis of the base plate 1 while the exposed region of the push rods 3 laterally extend beyond the outer edges of the base plate. Applicant respectfully asserts that the arrangement taught by Liang does not locate the exposed portion of the push rods 3 adjacent the opening as the term “adjacent” would be understood by one of ordinary skill in the art. Thus, independent claim 18 is allowable because it is not anticipated by Liang. Each of claims 19-20, 22, and 24-27 directly or indirectly depend from claim 18 and are patentable at least for the same reasons.

As amended herein, claim 62 recites, in part, a fastening element retained in the housing such that the fastening element can be removed from the housing only by withdrawing the fastener out the opening and only when a force is applied to the surface proximate the opening to depress the latch.

Applicant respectfully asserts that Liang does not describe a fastening element retained in the housing such that the fastening element can be removed from the housing only by withdrawing the fastener out the opening and only when a force is applied to the surface proximate the opening to depress the latch, at least, for the following reasons. As described above, the hanging rod 42 is not disengaged from the base plate 1 by withdrawing the hanging

rod 42 “out the opening” 181. Further, the hanging rod 42 is also not disengaged when “a force is applied to the surface proximate the opening to flex the latch” as recited in claim 62 because the surface provided by the push rods 3 is not proximate the opening by which the hanging rod 42 is disengaged from the movable plate 14. Thus, independent claim 62 is allowable because it is not anticipated by Liang. Each of claims 63-64, 66, 68-73 and 92 directly or indirectly depend from claim 62 and are patentable at least for the same reasons.

As amended herein, claim 79 recites, in part, a fastening element that can be slid out of the housing over the latch only when the latch is depressed by an application of a force to a surface of the latch proximate the opening and only by sliding the fastening element from the housing via the opening.

Applicant respectfully asserts that Liang does not describe a fastening element that can be slid out of the housing over the latch only when the latch is depressed by an application of a force to a surface of the latch proximate the opening and only by sliding the fastening element from the housing via the opening, as recited in claim 79, at least, for the following reasons. As described above, the hanging rod 42 is not disengaged from the base plate 1 by sliding the hanging rod 42 from the housing “via the opening” 181. Further, the hanging rod 42 is also not disengaged when “only when the latch is depressed by an application of a force to a surface of the latch proximate the opening” as recited in claim 79 because the surface provided by the push rods 3 is not proximate the opening by which the hanging rod 42 is disengaged from the movable plate 14. Thus, independent claim 79 is allowable because it is not anticipated by Liang. Each of claims 80, and 85 - 86 directly or indirectly depend from claim 79 and are patentable at least for the same reasons.

For at least all of the above reasons, reconsideration and withdrawal of the rejection of claims 1-3, 5, 7, 9-15, 18-20, 22, 24-27, 30, 32-34, 55, 62-64, 66, 68-73, 75-76, 79-80, 85-86 and 89-92 under 35 U.S.C. §102 is respectfully requested.

Rejections Under 35 U.S.C. §103

The Office Action rejected claims 6, 23, 31, 67 and 82 under 35 U.S.C. §103(a) as being unpatentable over Liang in view of U.S. Patent No. 5,507,610 to Benedetti et al. (hereinafter Benedetti). Each of claims 6, 23, 31, 67 and 82 depends from one of the independent claims which is allowable in view of Liang and each is allowable for at least the same reason as the

independent claim from which it depends, respectfully. Applicant respectfully asserts that Benedetti does not cure the deficiencies of Liang. Accordingly, claims 6, 23, 31, 67 and 82 are patentable over Liang in view of Benedetti because Liang and Benedetti, either alone or in proper combination, do not teach or suggest all the limitations recited in claims 6, 23, 31, 67 and 82. For at least all of the above reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 6, 23, 31, 67 and 82 under 35 U.S.C. §103(a).

The Office Action rejected claims 4, 21, 28-29, 65, and 81 under 35 U.S.C. §103(a) as being unpatentable over Liang. Each of claims 4, 21, 28-29, 65, and 81 depends from one of the independent claims which is allowable in view of Liang because Liang does not describe, teach or suggest all the limitations of any of the independent claims. Accordingly, each of claims 4, 21, 28-29, 65, and 81 is allowable for at least the same reason as the independent claim from which it depends, respectfully. For at least all of the above reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 4, 21, 28-29, 65 and 81 under 35 U.S.C. §103(a).

The Office Action rejected claims 77-78, 83-84 and 87-88 under 35 U.S.C. §103(a) as being unpatentable over Liang in view of U.S. Patent No. 4,681,552 to Courtney. Each of claims 77-78, 83-84 and 87-88 depends from one of the independent claims which is allowable in view of Liang and each is allowable for at least the same reason as the independent claim from which it depends, respectfully. Applicant respectfully asserts that Courtney does not cure the deficiencies of Liang. Accordingly, claims 77-78, 83-84 and 87-88 are patentable over Liang in view of Courtney because Liang and Courtney, either alone or in proper combination, do not teach or suggest all the limitations recited in claims 77-78, 83-84 and 87-88. For at least all of the above reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 77-78, 83-84 and 87-88 under 35 U.S.C. §103(a).

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

A fee for a three month extension of time is included herewith. If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, C0852-7013US.

Respectfully submitted,
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